

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CLEOPATRA CRUDEN,
VIVIAN DANIELS,
MIGDALIA VIDOT,
MAY BLAIR,
AGNES CATCHOW,
ZULEMA MENA,
CELESTE TEJADA,
SHIRLEY MCCOY,
BELINDA STALLWORTH,
ALAN ALSTON,
DULCE MARIA RODRIGUEZ PENA,

Plaintiffs,

On behalf of themselves and all others similarly situated

-against-

CABS HOME ATTENDANTS SERVICE, INC.,

Defendant.

Civil Action No. 15 CV 4071

R. Mauskopf, J.

J. Orenstein, M.J.

**DECLARATION OF NOEL P. TRIPP
IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION
FOR CONDITIONAL CERTIFICATION AND NOTICE**

Noel P. Tripp, an attorney duly admitted to practice before the United States District Court for the Eastern District of New York, does hereby declare as follows:

1. I am a Shareholder with the law firm of Jackson Lewis P.C., counsel for Defendant CABS Home Attendants Service, Inc. ("Defendant"). I submit this Declaration in support of Defendant's Opposition to Plaintiff's Motion for Conditional Certification and Court-Authorized Notice pursuant to § 216(b) of the FLSA.

2. Attached as Exhibit A is a copy of Plaintiffs' Second Amended Complaint, filed on September 25, 2015.

3. Attached as Exhibit B is a true and correct copy of Defendant's Statement of Non-Profitmaking Institutions dated January 31, 1980.

4. Attached as Exhibit C is a true and correct copy of a letter from the New York State Department of Labor to Defendant dated March 7, 2006 regarding its Statement of Non-Profitmaking Institutions.

5. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Sherly Demosthenes-Atkinson, dated October 22, 2015.

6. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Irina Karenkin, dated October 15, 2015.

7. Attached hereto as Exhibit F is a true and correct copy of the Declaration of Cleanna Haynes, dated October 15, 2015.

8. Attached hereto as Exhibit G is a true and correct copy of the Declaration of Magda Sosa, dated October 15, 2015.

9. Attached hereto as Exhibit H is a true and correct copy of the Declaration of Olga Jerrick, dated October 15, 2015.

10. Attached hereto as Exhibit I is a true and correct copy of the Declaration of Lucienne Duborg, dated October 22, 2015.

11. Attached hereto as Exhibit J is a true and correct copy of the Declaration of Beatrice Barber, dated October 22, 2015.

12. Attached as Exhibit K are true and correct copies of New York State Department of Labor opinion letters dated July 14, 1995 and March 11, 2010.

13. Attached as Exhibit L is a true and correct copy of the decision of the New York Department of Labor's Industrial Board of Appeals in *Matter of Settlement Home Care Inc., et al.*, Industrial Board of Appeals Case No. PR-32-83 (May 28, 1997).

14. Attached as Exhibit M is a true and correct copy of Judge Lewis A. Kaplan's Order in *Breland, et al. v. Zakarian, et al.*, S.D.N.Y. Case No. 08-cv-06120 dated June 30, 2009.

15. Attached as Exhibit N is a true and correct copy of a U.S. Department of Labor opinion letter dated March 15, 1995.

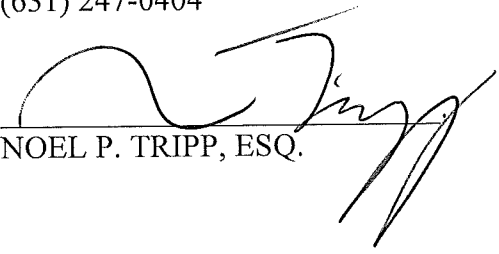
16. Attached as Exhibit O is a true and correct copy of an excerpt from the transcript of proceedings before this Court conducted on May 7, 2014 in *McEarchen et al v. Urban Outfitters, Inc.*, E.D.N.Y. Case No. 13-CV-03569 (FB)(JO).

Dated: Melville, New York
October 22, 2015

Respectfully submitted,

JACKSON LEWIS P.C.
ATTORNEYS FOR DEFENDANT
58 South Service Rd., Ste. 250
Melville, New York 11747
(631) 247-0404

By:



NOEL P. TRIPP, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2015, **DECLARATION OF NOEL P. TRIPP IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND NOTICE** was electronically filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the Eastern District's Local Rules, and the Eastern District's Rules on Electronic Service upon the following parties and participants:

DAVID C. WIMS, ESQ.
LAW OFFICE OF DAVID WIMS
ATTORNEYS FOR PLAINTIFFS
1430 Pitkin Ave., 2nd Floor
Brooklyn, New York 11233



NOEL P. TRIPP, ESQ.